

AUTO CR - LOG SUMMARY #1051619

TYPE: CONFIDENTIAL INFO

Incident Finding / Overall Case Finding

Description of Incident	Finding	Entered By	Entered Date
	(None Entered)		

Reporting Party Information

	Role	Name	Star No.	Emp No.	UOA / UOD	Position	Sex	Race	Address	Phone
CPD Employee	Reporting Party Third Party	SALDANA, FABIAN A	55		123 /	SERGEANT OF POLICE	M	S		

Incident Information

Incident From Date/Time	Address of Incident	Beat	Dist. Of Occurrence	Location Code	Location Description
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Accused Members

	Role	Name	Star No.	Emp No.	UOA / UOD	Position	Status	Initial / Intake Allegation
CPD Employee	Accused	BERNATH, BRIAN	8175		017 /	POLICE OFFICER	OFF Duty	It is reported that the accused officer lives outside of the City of Chicago boundaries Reference Log# 1051374

Other Involved Parties

	Role	Name	Star No.	Emp No.	UOA / UOD	Position	Sex	Race	Address	Phone
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Involved Party Associations

Role	Rep. Party Name	Related Person	Relationship
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Incident Details

CR Required?		Manner Incident Received?	PAX
Confidential?		Biased Language?	N
Extraordinary Occurrence?	N	Bias Based Profiling?	N
Police Shooting (U)?	N	Alcohol Related?	N
Non Disciplinary Intervention:	N	Pursuit Related?	N
Initial Assignment:	IAD	Violence in Workplace?	N
Notify IAD Immediately?	N	Domestic Violence?	N
EEO Complaint No.:			
Civil Suit No.:		Civil Suit Settled Date:	
Notify Chief Administrator?	N	Notify Chief?	
Notify Coordinator?		Notification Does Not Apply?	Y
Notification Other?	N		
Notification Comments:			

Incident Category List

Incident Category	Primary?	Initial?
09R - GROUP 09 - CONDUCT UNBECOMING VIOLATIONS (OFF DUTY) RESIDENCY	Y	Y

Investigator History

Investigator	Type	Assigned Team	Assigned Date	Scheduled End Date	Investigation End Date	No. of Days
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Extension History

Name	Previous Scheduled End Date	Extended Scheduled End Date	Date Certified Letter Sent	Reason Selected	Explanation	Extension Report Date	Approved By	Approved Date	Approval Comments
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Current Allegations

Accused Name	Seq. No.	Allegation	Category	Subcategory	Finding
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Situations (Allegation Details)

Accused Name	Alleg. No.	Situation	Victim/Offender Armed?	Weapon Types	Weapon Other	Weapon Recovered?	Deceased?
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Status History

Resulting Status	Status Date/Time	Created By	Position	UOA / UOD	Comments
ADMINISTRATIVELY CLOSED	03-FEB-2012 09:18	KLIMAS, ROBERT	COMMANDER	121 /	
PENDING ADMINISTRATIVE CLOSURE	02-FEB-2012 11:14	WATSON, JOHN	POLICE OFFICER	121 /	
PENDING ASSIGN TEAM	02-FEB-2012 11:13	CLARK, SUSAN	LIEUTENANT OF POLICE	121 /	Admin close. Duplicate investigation, currently being investigated under CL#1051368 by CIS. Forward info from this CL# to CIS.
PENDING APPROVE TEAM	02-FEB-2012 08:53	WATSON, JOHN	POLICE OFFICER	121 /	
PENDING ASSIGN TEAM	01-FEB-2012 06:58	DEAN, BRUCE	SUPERVISING INV COPA	113 /	
PENDING SUPERVISOR REVIEW	01-FEB-2012 06:12	DOUGLAS, KHRYSTL	INTAKE AIDE		
PRELIMINARY	01-FEB-2012 04:11	DOUGLAS, KHRYSTL	INTAKE AIDE		

Attachments

No.	Type	Related Person	No. of Pages	Narrative	Original in File	Entered By	Entered Date/Time	Status	Approve Content	Approve Inclusion
1	FACE SHEET					DOUGLAS, KHRYSTL	01-FEB-2012 04:11			
	DOCUMENTS - INTAKE INCIDENT		2	Sgt. Saldana, #2632	N	DOUGLAS, KHRYSTL	01-FEB-2012 05:32	APPROVED		
	DOCUMENTS - INTAKE INCIDENT		17	Verified Petition for Order of Protection from Lake County	N	DOUGLAS, KHRYSTL	01-FEB-2012 05:39	APPROVED		
	DOCUMENTS - INTAKE INCIDENT		11	Emergency Order of Protection from Lake County from Log#1051374	N	DOUGLAS, KHRYSTL	01-FEB-2012 05:37	APPROVED		
	DOCUMENTS - INTAKE INCIDENT		1	Supervisor Alexis Amezaga	N	DOUGLAS, KHRYSTL	01-FEB-2012 05:34	APPROVED		

Review Incident

Review Type	Accused/Involved Member Name	Result Type	Reviewed By	Position	Unit	Review Date	Remarks
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Review Accused

Review Type	Accused/Involved Member Name	Result Type	Reviewed By	Position	Unit	Review Date	Remarks
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Accused Finding History

Accused	Allegation	Reviewed By	Reviewed Date/Time	CCR?	Concur?	Finding	Finding Comments
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Accused Penalty History

Accused Penalty History

Accused	Reviewed By	Reviewed Date/Time	CCR?	Concur?	Penalty	Penalty Comments
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Findings

Accused Name	Allegations	Category	Concur?	Findings	Comments
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FACE SHEET (Notification Date: 01-FEB-2012) - LOG #1051619

TYPE: CONFIDENTIAL: INFO

Reporting Party Information

	Role	Name	Star No.	Emp No.	UOA / UOD	Position	Sex	Race	Address	Phone
CPD Employee	Reporting Party Third Party	SALDANA, FABIAN A	55		123 /	SERGEANT OF POLICE	M	S		

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Confidential?		Biased Language?	N
Extraordinary Occurrence?	N	Bias Based Profiling?	N
Police Shooting (U)?	N		
Motor Vehicle (V)?		Alcohol Related?	N
Non Disciplinary Intervention:	N	Pursuit Related?	N
Initial Assignment:	IAD	Violence in Workplace?	N
Notify IAD Immediately?	N	Domestic Violence?	N
EEO Complaint No.:			
Civil Suit No.:		Notify Chief?	
Notify Chief Administrator?	N	Notification Does Not Apply?	Y
Notify Coordinator?			
Notification Other?	N		

Initial Incident Category List

Initial Incident Category	Primary?
09R - GROUP 09 - CONDUCT UNBECOMING VIOLATIONS (OFF DUTY) RESIDENCY	Y

Assignment History

Assigned To	Assigned Team	Investigator	Assignment Date/Time	Assigned By	Reason
IAD	CONFIDENTIAL INVESTIGATION SECTION	-	02-FEB-2012 08:53	WATSON, JOHN	
IAD	INTERNAL AFFAIRS DIVISION	-	01-FEB-2012 16:11	DOUGLAS, KHRYSTL	

Status History

Resulting Status	Status Date/Time	Created By	Position	UOA / UOD	Comments
ADMINISTRATIVELY CLOSED	03-FEB-2012 09:18	KLIMAS, ROBERT	COMMANDER	121 /	
PENDING ADMINISTRATIVE CLOSURE	02-FEB-2012 11:14	WATSON, JOHN	POLICE OFFICER	121 /	
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Status History

Resulting Status	Status Date/Time	Created By	Position	UOA / UOD	Comments
PRELIMINARY	01-FEB-2012 04 11	DOUGLAS, KHRYSTL	INTAKE AIDE		

**Bureau of Administration
Human Resources Division**

01 February 2012

To: Garry F. McCarthy
Superintendent of Police

Attention: Juan J. Rivera
Chief
Internal Affairs Division

From: Sergeant Fabian Saldana #2632
Human Resources Division

Subject: Initiation of Complaint Log # **1051619**

Accused: Brian P. Bernath #8175/ Employee No. [REDACTED]
Date of Birth: [REDACTED] / Date of Appt: 15 Nov 1999
Unit of Assignment: 017th District

Complainant: Sergeant Fabian Saldana #2632 / Employee No. [REDACTED]
Date of Birth: [REDACTED] / Date of Appt: 22 Nov 1993
Unit of Assignment: 123 - Human Resources Division

Date: 19 January 2012

Allegations: It is alleged that on an Order of Protection [REDACTED]
filed on 19 January 2012 in Lake County, IL. Police Officer
Brian P. Bernath #8175 failed to actually reside within the
corporate boundaries of the City of Chicago.

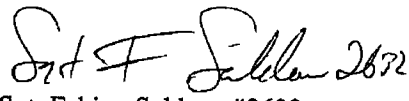
On 01 February 2012, the undersigned received via police mail documentation from IPRA Supervisor Alexis Amezaga #022 containing allegations against P.O. Brian P. Bernath which is to be investigated under CL #1051374.

While reviewing the documents, the undersigned observed that on page 1 of the attached documents, the accused/respondent officer has an address listed as [REDACTED]
[REDACTED] A check on CLEAR lists the accused address as [REDACTED]
[REDACTED]

2

SIGNATURE PAGE C.L. 1051619

The undersigned contacted the Independent Police Review Authority on 01
February 2012 at 1611 hrs and obtained C.L. No. 1051619 from Douglas, Employee No.
[REDACTED]

A handwritten signature in black ink, appearing to read "Sgt F Saldana 2632".

Sgt. Fabian Saldana #2632
Human Resources Division

INDEPENDENT POLICE REVIEW AUTHORITY

30 January 2012

TO: Sergeant Fabian Saldana
Human Resources

FROM: Supervisor Alexis Amezaga
Independent Police Review Authority

SUBJECT: Log # 1051374 – Alleged Alcohol Problem

On 20 January 2012, the Independent Police Review Authority registered a complaint, Log #1051374, relative to allegations of domestic violence per an Order of Protection [REDACTED]. According to the related documents, it is alleged that Respondent, Officer Brian P. Bernath, Star #8175, drinks excessively. It is specifically alleged that in November 2010, Officer Bernath drank to the point of intoxication and then attempted to drive. On 25 December 2010, Officer Bernath drank and passed out. On 06 October 2011, Officer Bernath drank and was upset which ultimately lead to physical and verbal abuse. On 09 January 2011, Officer Bernath drank two bottles of wine, became verbally abusive and passed out.

This information is being forwarded for your review and action deemed appropriate. The Independent Police Review Authority will continue to investigate the domestic related allegations.

Alexis Amezaga #022
Alexis Amezaga #022
IPRA Supervisor

-1 FEB 12 15 23

Emergency Order of Protection

Court Ph.	(847) 377-3380	
Court	NINETEENTH	JUDICIAL CIRCUIT
County	LAKE	State of ILLINOIS
Case No.	[REDACTED]	

PETITIONER

First	Middle	Last
[REDACTED]	[REDACTED]	[REDACTED]

Petitioner's Address / Alternative Address:

[REDACTED]

(file stamp)

JAN 19 2012

[Signature]
Circuit Clerk

☒ Petitioner

And/or on behalf of other protected person(s) listed below:

☒ Child(ren) as noted on Page 6, Part C of this order

☐ Dependent (name)

☐ High Risk Adult (name)

RESPONDENT

Brian P. Bernath		
First	Middle	Last

Relationship to Petitioner:

Respondent's Address:

(Home) 1711 Duff Albany Park Chicago Rd.
4650 N. PULASKI, Chicago IL

(Work) (Work Hours: 5:30pm - 2:00am)

Caution indicators:

☒ (A) Considered armed and/or dangerous

☐ (S) Suicidal

☐ (T) Considered armed, dangerous and suicidal

RESPONDENT IDENTIFIERS

SEX	RACE	DOB	HT	WT
M	W	[REDACTED]	6'7"	260
EYES	HAIR	SOCIAL SECURITY (last 4s)		
BL	Bald	XXX-XX-XXXX		
DRIVER'S LIC. #		STATE	License Plate #	
[REDACTED]		IL	[REDACTED]	

Distinguishing Features (scars, marks, tattoos, martial arts):

Bald, Scar on leg

THE COURT FINDS:

That it has jurisdiction over the Petitioner and subject matter and the Respondent will be provided with reasonable notice and an opportunity to be heard within the time required by Illinois law.

THE COURT ORDERS: (Additional terms are set forth herein)

☒ That Respondent is prohibited from further acts/threats of abuse on protected persons. (See R01)

☒ That Respondent is ordered to stay away from Petitioner and/or other protected persons. (See R03)

☒ That the Circuit Clerk is ordered to send within 24 hours Daycare / School Notice(s). (See page 7)

The terms of this Order shall be effective until

2/9/2012

(date)

5:00 P.M.

(Time/am/pm)

A hearing on the entry of a Plenary/Interim Order of Protection is set for:

2/9/12

(date)

at

at the Lake County Courthouse, 18 N County St., Waukegan, ILLINOIS

In Courtroom

A PLENARY (FINAL) ORDER OF PROTECTION MAY BE ENTERED AGAINST YOU BY DEFAULT IF YOU FAIL TO APPEAR AT SUCH HEARING.

Form approved by the Conference of Chief Circuit Judges
Effective November 1, 2004

Use required after July 1, 2005

Page 1 of 11 - Emergency Order of Protection

LOG# 1051374
Attachment 8

NOTICES CONCERNING THIS EMERGENCY ORDER OF PROTECTION

WARNING TO RESPONDENT

Violating this Order of Protection is punishable by imprisonment or fine or both, and can cause your bond to be revoked, result in a contempt of court citation against you, or the filing of a criminal charge.

This protection order is enforceable, even without registration, in all 50 states, the District of Columbia, tribal lands, and the U.S. Territories pursuant to the Violence Against Women Act (18 U.S.C. § 2265). Violating this order of protection may subject you to federal charges and punishment: 18 U.S.C. §§ 2261-2262.

Only the court can change this order. The Petitioner cannot give you legal permission to change this order. If you go near the Petitioner, even with the Petitioner's consent, you may be arrested. Unless the court modifies/dismisses this order, you can be arrested for violating this Emergency Order of Protection. You act at your own risk if you disregard this WARNING.

You have been served with notice that the Petitioner has filed for a Plenary or Interim Order of Protection (effective for up to two years), and have been provided with a date on which you must appear in court if you wish to contest entry of the order. If you fail to appear, an Order of Protection may be issued in your absence.

NOTICE TO PETITIONER

You cannot change the terms of this order by your words or actions. If the Court has ordered no contact or exclusive possession of the residence, only the Court can allow the Respondent to contact you or return to the residence. If you and the Respondent want to resume your relationship, you must ask the Court to modify or dismiss this Order of Protection.

If you wish to ask the court for an Interim or Plenary (Final) Order of Protection (effective for up to two years), you must appear in court on the date set for a hearing.

NOTICE TO ALL LAW ENFORCEMENT AGENCIES AND OFFICERS

This Order of Protection is enforceable, even without registration, in all 50 states, the District of Columbia, tribal lands, and the U.S. Territories pursuant to the Violence Against Women Act (18 U.S.C. § 2265), provided notice of this Emergency Order of Protection has been provided to the Respondent. Violating this Order of Protection may subject the Respondent to state and/or federal charges and punishment: 18 U.S.C. §§ 2261-2262.

NOTICE TO RESPONDENT

Any knowing violation of an order or protection forbidding physical abuse, neglect, exploitation, harassment, intimidation, interference with personal liberty, wrongful deprivation, or entering or remaining present at specified places when a protected person is present, or granting exclusive possession of the residence or household or granting a stay away order is a Class A misdemeanor and a second or subsequent violation is a Class 4 felony. The granting of exclusive possession of the residence or household shall constitute notice forbidding trespass to land. Any knowing violation of an order awarding legal custody or physical care of a child or prohibiting removal or concealment of a child may be a Class 4 felony. Stalking is a Class 4 felony for a first offense and a Class 3 felony for a subsequent offense. Any willful violation of any order is contempt of court. Any violation may result in fine or imprisonment.

FINDINGS [Jurisdiction]

The Court, having reviewed the verified petition and having examined the petitioner under oath or affirmation, finds that:

1. ☒ Good cause exists for granting the remedy or remedies requested without prior service of process or notice because:
 - A. ☒ The harm that Remedies 1, 3, 5, 8, 9, 11, 14, 15, and 17 are intended to prevent would be likely to occur if the Respondent were given prior notice, or greater notice than was actually given, of the Petitioner's efforts to obtain judicial relief.
 - B. ☒ For Remedy 2, the immediate danger of further abuse of Petitioner by Respondent, if Petitioner chooses or had chosen to remain in the residence or household while Respondent was given any prior notice or greater notice than was actually given or of Petitioner's efforts to obtain judicial relief, outweighs the hardships to Respondent of an Emergency Order granting Petitioner exclusive possession of the residence or household.
 - C. ☒ For Remedy 10, improper disposition of the personal property would likely occur if the Respondent were given any prior notice, or greater notice than was actually given, of the Petitioner's efforts to obtain judicial relief, or Petitioner has an immediate and pressing need for the possession of that property (750 ILCS 60/217(a)(3)(iii)).
2. ☒ Petitioner's actual address is set forth on page one (1).
or
☒ Disclosure of Petitioner's address would risk further abuse. The address set forth below is the address for the purpose of service of notice on the petitioner in this case.

(Street / P.O. Box)

(City)

(State)

(Zip Code)

3. ☒ The persons protected by this order are:
 - ☒ Petitioner
 - ☒ Minor child(ren) who are so identified on page 6 of 11, Part C of this order.
 - ☐ Other protected parties listed in page 1 of 11 of this order.
4. ☒ The court has jurisdiction over the minor child(ren) and/or other protected persons. (750 ILCS 60/208)

RELATIONSHIP CODE: The Petitioner/Abused Person stands in relationship to the Respondent as (check all that apply):

RELATIONSHIP	RELATIONSHIP	RELATIONSHIP
<input checked="" type="checkbox"/> Spouse (SE)	<input checked="" type="checkbox"/> Parent (PA)	<input type="checkbox"/> Grandparent (GP)
<input type="checkbox"/> Former Spouse (XS)	<input type="checkbox"/> Sibling (Brother/Sister) (SB)	<input type="checkbox"/> In-Law (IL)
<input type="checkbox"/> Boyfriend/Girlfriend (BG) (Dating Relationship)	<input type="checkbox"/> Step-child (SC)	<input type="checkbox"/> Person with Disability (PD)
<input type="checkbox"/> Child in Common (CC) (parties not married)	<input type="checkbox"/> Step-sibling (SS)	<input type="checkbox"/> Person Responsible for High-Risk Adult (PR)
<input type="checkbox"/> Shared/Common Dwelling (CS)	<input type="checkbox"/> Step-parent (SP)	<input type="checkbox"/> Personal Assistant or Caregiver to Person with Disability (PC)
<input type="checkbox"/> Child (CH)	<input type="checkbox"/> Grandchild (GC)	<input type="checkbox"/> Other Related by Blood or Marriage (OR)

FINDINGS [General]

The Court, having reviewed the verified petition and having examined the petitioner under oath of affirmation, finds that:

☒ Venue is proper (750 ILCS 60/209).

☒ The Respondent has abused the Petitioner and/or the child(ren) so identified on Part C (page 6 of 11) of this order and/or the protected person(s) listed on Page 1 of 11 of this order (750 ILCS 60/214(a)).

☐ The abused person(s) is/are unable to bring this Petition on his/her own behalf due to age, health, disability, or inaccessibility (750 ILCS 60/214(a)).

☐ The Petition has been filed on behalf of a high-risk adult with disabilities who has been abused, neglected, or exploited by a family or household member.

☐ An Order of Protection has previously been entered in the instant proceeding or in another proceeding in which any party, or a child of any party, or both, has/have been designated as either a respondent or a protected person. (750 ILCS 60/223.1).

IT IS ORDERED the following remedies that are checked apply in this case.

PART A. REMEDIES INVOLVING PERSONAL PROTECTION

☒ **1. (R01)(Police Enforced)** With respect to all protected persons, Respondent is prohibited from committing the following acts of abuse or threats of abuse (check all that apply):

- ☒ Harassment, interference with personal liberty, physical abuse, or stalking.
- ☐ Intimidation of a dependent.
- ☐ Willful deprivation.
- ☐ Neglect.
- ☐ Exploitation.

2. (R03)(Police Enforced) Stay Away

a. That the Respondent is ordered to stay at least 100 feet away from the Petitioner and/or protected person(s) and their residence, school, daycare, employment and any other specified place. "Stay Away" means for the respondent to refrain from both physical presence and nonphysical contact with the petitioner whether direct, indirect (including, but not limited to, telephone calls, mail, email, faxes, and written notes), or through third parties who may or may not know about the order of protection.

b. Respondent is prohibited from entering or remaining while Petitioner and/or protected person(s) is/are present at:

☒ Their place of residence currently located at [REDACTED]

☒ Their place of employment at 3043 Western Park Dr. St. Charles, Mo.

☒ Their school located at [REDACTED]

☒ Any of the following specified places when Respondent is [REDACTED]

☒ Respondent is prohibited from entering or remaining while Petitioner and/or protected person(s) is/are present at [REDACTED] or household while under the influence of drugs or alcohol and constituting a threat to the safety or well-being of Petitioner or Petitioner's children.

PART B: REMEDIES INVOLVING PROPERTY

☒ 1. (R02)(Police Enforced) Petitioner is granted exclusive possession of, and Respondent is prohibited from entering or remaining present at the residence/household located at:

[REDACTED] (City) [REDACTED] (State) [REDACTED] (Zip Code)

☒ Petitioner has a right to occupancy and Respondent has no such right, or

☒ Petitioner and Respondent both have right to occupancy but the balance of hardships favors temporary possession by Petitioner, the court having considered the factors set forth in 750 ILCS 60/214(c)(2).

2. (R10)(Court Enforced) Personal Property

a. Petitioner is granted possession of the following personal property: 2012 Kia
Silver to auto and contents of [REDACTED] except
clothing and personal effects of Respondent

b. If the Respondent has possession of the property listed in 2a above, the Respondent shall promptly make it available to the petitioner.

With respect to 2a and 2b above, the Court finds as follows:

☒ The Petitioner, but not Respondent, owns the property, or

☒ The parties own the property jointly, and sharing it would risk abuse or is impracticable and the balance of hardships favors temporary possession by Petitioner, and/or

☒ Petitioner claims property as marital property, and a proceeding has been filed under the Illinois Marriage and Dissolution of Marriage Act ("IMDMA").

c. Respondent is given his/her ☒ clothing ☒ personal adornments ☒ medicine

☒ other personal property, namely work-related clothing & equipment

3. (R10)(Police Enforced): Personal property shall be transferred TBD
☐ at the residence, or
☒ at _____
(Street) (City) (State) (ZIP Code)

That the transfer of personal property shall take place in the presence of

☒ law enforcement, or ☐ an agreed-upon third party, namely _____

☐ Respondent ☐ Petitioner shall have the right to enter the residence to retrieve the property but only in the presence of law enforcement or the designated third party.

Time and date of transfer: TBD

(This transfer does not affect title to property (750 W.S. 60/214(b)(2)).

4. (R11)(Court Enforced): Respondent is prohibited from taking, transferring, concealing, encumbering, damaging, or otherwise disposing of the following real or personal property:

2012 Kia Sorento and contents of [REDACTED]
 except as explicitly authorized by the Court because:

☐ Petitioner, but not Respondent, owns the property, or

☐ The parties own the property jointly, and the balance of hardships favors granting this remedy, and/or

☒ Petitioner claims the property as marital property and a proceeding has been filed under the TMDMA.

☐ **5. (R11)(Court Enforced):** Respondent is prohibited from using financial or other resources of an aged member of the family or household for the profit or advantage of Respondent or any other person.

☐ **6. (R11.5)(Court Enforced):** That the petitioner is granted the exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal.

PART C. REMEDIES INVOLVING CHILDREN

The minor child(ren) of the parties is/are:

Full Name	Age	State of Residence	Relationship to Petitioner	Included as Protected Party
[REDACTED]	5	[REDACTED]	daughter	<input checked="" type="checkbox"/>
[REDACTED]	3	[REDACTED]	daughter	<input checked="" type="checkbox"/>
_____	_____	_____	_____	<input type="checkbox"/>
_____	_____	_____	_____	<input type="checkbox"/>
_____	_____	_____	_____	<input type="checkbox"/>

☒ 1. The primary caretaker of the minor child(ren) is ☒ Petitioner ☐ Respondent

☐ Other person: _____

(Name and Address)

☒ **2. (R05)(Police Enforced)** Petitioner is granted the physical care and possession of the minor child(ren) of the parties, and

☐ a. Respondent is ordered to return the minor children to the physical care of:

☐ Petitioner

☐ Other: _____

(Name and Address)

on _____ at _____ am/pm in the presence

of _____

- ☒ b. Respondent is further ordered not to remove the minor child(ren) from the physical care of the Petitioner, school/school grounds, or babysitter/daycare provider, or other person *in loco parentis* (750 ILCS 60/214(b)(5)).
- ☒ c. The Circuit Clerk shall, within 24 hours of the issuance of this Order, send written notice of the Order to any protected child's day care or school to the following: (list child's name and the name and address of each child's school/day care)

As set forth in paragraph A-2 on page 5 above

- ☐ If this box is checked, the petitioner shall provide this information to the clerk by a separate written notice which the clerk shall impound to prevent further abuse.

☒ 3. (R07) (Court Enforced) Visitation of the minor child(ren)

- ☐ a. Visitation is ☐ denied / ☐ restricted because Respondent has or is likely to:
- ☐ Abuse or endanger the minor child(ren) during visitation.
 - ☐ Use visitation as an opportunity to abuse or harass Petitioner, Petitioner's family, or household members.
 - ☐ Improperly conceal or detain the minor child(ren).
 - ☐ Act in a manner that is not in the best interest of the minor child(ren).

- ☒ b. Visitation is reserved until further order of court, or ☐ until _____

- ☐ c. Visitation is granted as follows: (check all that apply)

☐ Every _____ from _____ am/pm to _____ am/pm.

☐ Each weekend or ☐ Alternating weekends.

☐ Friday at _____ am/pm to Saturday at _____ am/pm

☐ Friday at _____ am/pm to Sunday at _____ am/pm

☐ Saturday at _____ am/pm to Sunday at _____ am/pm

☐ Saturday at _____ am/pm to Saturday at _____ am/pm

☐ Sunday at _____ am/pm to Sunday at _____ am/pm

☐ Major holidays shall be divided as follows: _____

- ☐ d. The Court, finding it necessary to protect Petitioner or other protected parties from further abuse, prohibits Respondent from going to Petitioner's residence to meet the minor child(ren) for visitation.

- ☐ e. Visitation Transportation

☐ Each parent shall provide transportation one-way for visitation, or

☐ _____ shall provide all transportation for visitation, or

☐ Other arrangements _____

- ☐ f. Visitation shall take place at _____
(Street Address/City)

- ☐ g. Visitation is to be supervised by _____ who is approved to supervise visitation and who has filed an affidavit accepting responsibility and acknowledging accountability to the Court.

- ☐ h. Respondent shall return the child(ren) to Petitioner or Petitioner's designated person immediately at the end of visitation.

- ☒ 4. **(R08)(Police Enforced)** Respondent is ordered not to conceal the minor child(ren) within the State or remove the child(ren) from the State of Illinois.
- ☐ 5. **(R09)(Court Enforced)** Respondent is ordered to appear at the _____
_____ in Courtroom _____, on _____
20____ at _____ am/pm. ☐ Alone / ☐ With the minor child(ren)
- ☐ To prevent abuse, neglect, removal or concealment of the child.
☐ To return the child to the custody or care of the Petitioner, or
☐ To permit a court-ordered interview or examination of the child or Respondent.
- ☒ 6. **(R15)(Court Enforced)** Respondent is denied access to and is prohibited from inspecting, obtaining, or attempting to inspect or obtain school or any other records of the minor child(ren) in the care of the Petitioner because:
- ☒ The Order of Protection prohibits Respondent from having contact with the minor child(ren), or
☐ Petitioner's actual address is omitted due to the risk of further abuse, or
☒ It is necessary to prevent abuse or wrongful removal or concealment of the minor child(ren).

PART D. MISCELLANEOUS REMEDIES

- ☒ **(R17)** Respondent is further ordered and enjoined as follows: *From contacting and from attempting to contact, directly or through any third party except attorneys, Petitioner, her Employer, her co-workers, clients, or child care providers, or extended family in any manner, including but not limited to, text message, telephone, e-mail, post, written note, or fax.*

PART E. RULINGS PURSUANT TO 750 ILCS 60/221 (a)(2) and (b)(2)

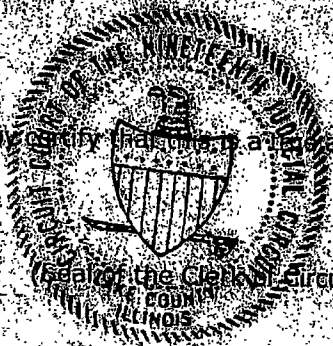
The relief requested in paragraph(s) _____ of the Petition is/are:

- ☐ Denied
☐ Reserved

Because the balance of hardships does not support the granting of the remedy, and the granting of the remedy will result in hardship to Respondent that would substantially outweigh the hardship to the Petitioner from the denial of the remedy, or because _____

THIS EMERGENCY ORDER WAS ISSUED ON:

Date: 1/19/12
Time: 1026 am/pm



I hereby certify that this is a true and correct copy of the original order on file with the court.

Sally P. Woffelt
Clerk of the Circuit Court

of Lake County, Illinois

Date: 01-19-12

NOTICE TO RESPONDENT: You may petition the court, in accordance with Section 224 of the Act, to re-open the order if you did not receive actual prior notice of the hearing in accordance with Section 211 of the Act, alleging that you have a meritorious defense to the order or that the order, or any of its remedies, was not authorized by the act.

cc: ☐ Petitioner ☐ Respondent (via Sheriff) ☐ Counsel of Record ☐ Sheriff ☐ Advocate ☐ Jail
☐ States Attorney

DEFINITION OF TERMS USED IN THIS ORDER

These definitions are incorporated in and made a part of the order to which they are attached.

1. **Abuse:** "Abuse" means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person *in loco parentis*.
2. **Domestic Violence:** Domestic Violence means abuse as defined in paragraph one.
3. **Exploitation:** "Exploitation" means the illegal, including tortious, use of a high-risk adult with disabilities or of the assets or resources of a high-risk adult with disabilities. Exploitation includes, but is not limited to, the misappropriation of assets or resources of a high-risk adult with disabilities by undue influence, by breach of a fiduciary relationship, by fraud, deception, or extortion, or the use of such assets or resources in a manner contrary to law.
4. **Family or Household Members:** Include spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, and persons with disabilities and their personal assistants. For purposes of this paragraph, neither a casual acquaintanceship nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute a dating relationship. In the case of a high-risk adult with disabilities, "family or household members" includes any person who has the responsibility for a high-risk adult as a result of a family relationship or who has assumed responsibility for all or a portion of the care of a high-risk adult with disabilities voluntarily, or by express or implied contract, or by court order.
5. **Harassment:** "Harassment" means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances, would cause a reasonable person emotional distress, and does cause emotional distress to the petitioner. Unless the presumption is rebutted by a preponderance of the evidence, the following types of conduct shall be presumed to cause emotional distress:
 - a) creating a disturbance at petitioner's place of employment or school;
 - b) repeatedly telephoning petitioner's place of employment, home or residence;
 - c) repeatedly following petitioner about in a public place or places;
 - d) repeatedly keeping petitioner under surveillance by remaining present outside his or her home, school, place of employment, vehicle or other place occupied by petitioner or by peering in petitioner's windows;
 - e) repeatedly threatening to improperly remove a child of petitioner's from the jurisdiction, improperly concealing that child from petitioner or making a single such threat following an actual or attempted improper removal or concealment;
 - f) improperly concealing a minor child from petitioner, repeatedly threatening to improperly remove a minor child of petitioner from the jurisdiction or from the physical care of petitioner, repeatedly threatening to conceal a minor child from petitioner, or making a single such threat following an actual or attempted improper removal or concealment, unless respondent was fleeing an incident or pattern of domestic violence; or
 - g) threatening physical force, confinement or restraint on one or more occasions.
6. **Interference with Personal Liberty:** "Interference with personal liberty" means committing or threatening physical abuse, harassment, intimidation or willful deprivation so as to compel another to engage in conduct from which she or he has a right to abstain or to refrain from conduct in which she or he has a right to engage.

7. **Intimidation of a Dependent:** "Intimidation" means subjecting a person who is dependent because of age, health or disability to participation in, or the witnessing of, physical force against another or physical confinement or restraint of another which constitutes physical abuse as herein defined, regardless of whether the abused person is a family or household member.
8. **Neglect:** "Neglect" means the failure to exercise that degree of care toward a high-risk adult with disabilities which a reasonable person would exercise under the circumstances and includes but is not limited to:
 - a) the failure to take reasonable steps to protect a high-risk adult with disabilities from acts of abuse;
 - b) the repeated, careless imposition of unreasonable confinement;
 - c) the failure to provide food, shelter, clothing, and personal hygiene to a high-risk adult with disabilities who requires such assistance;
 - d) the failure to provide medical and rehabilitative care for the physical and mental health needs of a high-risk adult with disabilities; or
 - e) the failure to protect a high-risk adult with disabilities from health and safety hazards.
9. **Physical Abuse:** "Physical abuse" includes sexual abuse and means any of the following:
 - a) knowing or reckless use of physical force, confinement, or restraint; or
 - b) knowing, repeated and unnecessary sleep deprivation; or
 - c) knowing or reckless conduct which creates an immediate risk of physical harm.
10. **Stalking:** "Stalking" means knowingly and without lawful justification, on at least two (2) separate occasions, following another person or placing the person under surveillance or any combination thereof and:
 - a) at any time transmitting a threat of immediate or future bodily harm, sexual assault, confinement or restraint and the threat is directed towards that person or a family member of that person; or
 - b) placing that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint; or
 - c) placing that person in reasonable apprehension that a family member will receive immediate or future bodily harm, sexual assault, confinement, or restraint.
11. **Willful Deprivation:** "Willful deprivation" means willfully denying a person who because of age, health or disability requires medication, medical care, shelter, food, therapeutic device, or other physical assistance, and thereby exposing that person to the risk of physical, mental or emotional harm, except with regard to medical care or treatment when the dependent person has expressed an intent to forego such medical care or treatment. This paragraph does not create any new affirmative duty to provide support to dependent persons.

**CIRCUIT COURT OF ILLINOIS
NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY**

☐ Independent
☐ Criminal
☐ Juvenile
☒ Other Civil Proceeding

Case # **12 OP0109**

Petitioner's Name (Person desiring protection)

I am filing on behalf of: ☒ myself
☐ minor child(ren) ☐ dependent ☐ high-risk adult

(Full Name)

(Age)

Brian P. Bernath

Respondent's Name (Person you desire protection from)

VERIFIED PETITION FOR ORDER OF PROTECTION

I request an Order of Protection against **Brian P. Bernath**
(Name of Respondent)

- ☒ I am requesting an Emergency Order of Protection.
☒ I did not give the Respondent notice that I am seeking protection because I fear that giving notice would result in further abuse or because the abuse is likely to recur before I return to court. Good cause exists for granting the remedy or remedies requested without prior service of process or notice.

PETITIONER INFORMATION

The Petitioner's address for the purpose of service of notice is:

(Street / P.O. Box)

(City)

(State)

(Zip Code)

☐ Check this box, if the above address is an Alternate Address for Service of Notice because disclosure of abused person's actual address would risk further abuse.

Persons to be included in the Order of Protection, in addition to the Petitioner, are:

Full Name	Age	Sex	Relationship to Petitioner
[Redacted]	31	[Redacted]	daughter
[Redacted]	15	[Redacted]	daughter

RESPONDENT INFORMATION

Date of Birth [Redacted] (mm/dd/yyyy) ☐ Unknown

Social Security Number: [Redacted] Sex: ☐ Male ☐ Female Race: **White**

Weight: **260** Height: **6** ft. **1** in. Hair color: **Bald** Eye color: **Blue**

Respondent's Current Address
Chicago, IL

(Street / P.O. Box)

(City)

(State)

(Zip Code)

Respondent's Work Address

4050 North Pulaski Rd

Chicago

IL

60630

(Street / P.O. Box)

(City)

(State)

(Zip Code)

Distinguishing Features (scars, marks, tattoos, etc.): **none**

Form approved by the Conference of Chief Circuit Judges
Effective November 1, 2004

Use required after July 1, 2005

Page 1 of 11 - Petition

171-37 Rev. 11/04

RELATIONSHIP CODE

The Petitioner/Abused Person stands in the following relationship to the Respondent (check all that apply):

<input checked="" type="checkbox"/>	RELATIONSHIP	<input checked="" type="checkbox"/>	RELATIONSHIP	<input checked="" type="checkbox"/>	RELATIONSHIP
<input checked="" type="checkbox"/>	Spouse (SE)		Parent (PA)		Grandparent (GP)
	Ex-Former Spouse (XS)		Sibling (Brother/Sister) (SB)		In-Law (IL)
	Boyfriend/Girlfriend (BG) (Dating Relationship)		Step-child (SC)		Person with Disability (PD)
	Child in Common (CC) (parties not married)		Step-sibling (SS)		Person Responsible for High-Risk Adult (PR)
	Shared/Common dwelling (CS)		Step-parent (SP)		Personal Assistant or Caregiver to Person with Disability (PC)
<input checked="" type="checkbox"/>	Child (CH)		Grandchild (GC)		Other Related by Blood or Marriage (OR)

BACKGROUND INFORMATION

1. Is there or has there ever been an Order of Protection in any state and county naming you as the Petitioner or Respondent? ☐ Yes ☒ No

If yes, please provide the following information for each Order of Protection: Date of expiration
Name of Petitioner Name of Respondent St/County Case Number (mmddyyvv)

2. Has a child/dependent/high risk adult of either party been designated as either a Respondent or protected person in any other Order of Protection, Custody or Guardianship proceeding? ☐ Yes ☒ No

If yes, please provide the following information for each Order: Date of expiration
Name of Petitioner Name of Respondent St/County Case Number (mmddyyvv)

3. Are there now, or have there ever been, any civil, criminal, or divorce proceedings involving you, one of the protected persons and/or the Respondent? ☒ Yes ☐ No ☐ None Known

If yes, please list all pending cases below:

- a. Type of Case: DISSOLUTION 12D107 Result: PENDING (Judge Vanderstam)
State/County: ILLINOIS Case # (if known): [REDACTED] Date: 1/19/12
- b. Type of Case: _____ Result: _____
State/County: _____ Case # (if known): _____ Date: _____
- c. Type of Case: _____ Result: _____
State/County: _____ Case # (if known): _____ Date: _____

4. Venue is appropriate in this county because:

- ☒ The Petitioner resides here.
☒ The Respondent resides here.
☒ The abuse occurred here.
☐ The Petitioner is here temporarily to avoid abuse.

- 6. Interference with Personal Liberty:** "Interference with personal liberty" means committing or threatening physical abuse, harassment, intimidation or willful deprivation so as to compel another to engage in conduct from which she or he has a right to abstain or to refrain from conduct in which she or he has a right to engage.
- 7. Intimidation of a Dependent:** "Intimidation" means subjecting a person who is dependent because of age, health or disability to participation in, or the witnessing of: physical force against another or physical confinement or restraint of another which constitutes physical abuse as herein defined, regardless of whether the abused person is a family or household member.
- 8. Neglect:** "Neglect" means the failure to exercise that degree of care toward a high-risk adult with disabilities which a reasonable person would exercise under the circumstances and includes but is not limited to:
- a) the failure to take reasonable steps to protect a high-risk adult with disabilities from acts of abuse;
 - b) the repeated, careless imposition of unreasonable confinement;
 - c) the failure to provide food, shelter, clothing, and personal hygiene to a high-risk adult with disabilities who requires such assistance;
 - d) the failure to provide medical and rehabilitative care for the physical and mental health needs of a high-risk adult with disabilities; or
 - e) the failure to protect a high-risk adult with disabilities from health and safety hazards.
- 9. Physical Abuse:** "Physical abuse" includes sexual abuse and means any of the following:
- a) knowing or reckless use of physical force, confinement, or restraint; or
 - b) knowing, repeated and unnecessary sleep deprivation; or
 - c) knowing or reckless conduct which creates an immediate risk of physical harm.
- 10. Stalking:** "Stalking" means knowingly and without lawful justification, on at least two (2) separate occasions, following another person or placing the person under surveillance or any combination thereof and:
- a) at any time transmitting a threat of immediate or future bodily harm, sexual assault, confinement or restraint and the threat is directed towards that person or a family member of that person; or
 - b) placing that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint; or
 - c) placing that person in reasonable apprehension that a family member will receive immediate or future bodily harm, sexual assault, confinement, or restraint.
- 11. Willful Deprivation:** "Willful deprivation" means willfully denying a person who because of age, health or disability requires medication, medical care, shelter, food, therapeutic device, or other physical assistance, and thereby exposing that person to the risk of physical, mental or emotional harm, except with regard to medical care or treatment when the dependent person has expressed an intent to forego such medical care or treatment. This paragraph does not create any new affirmative duty to provide support to dependent persons.

PART F. MISCELLANEOUS REMEDIES

☒ 1. (R04) That the Respondent be ordered to undergo and successfully complete counseling.
(If you desire that the Respondent undergo counseling, you should check this box, but this remedy is not available at the Emergency hearing.)

☒ 2. (R17) That Respondent be further ordered and enjoined as follows: ^{employer} No contact with [REDACTED] clients, co-workers, babysitter via direct, indirect or through 3rd parties, including but not limited to: phone, written notes, mail, email, or fax.

WHEREFORE, Petitioner moves the Court to grant the relief requested in this petition.

VERIFICATION

Under the penalties of perjury as provided by law pursuant to section 1-109 of the code of civil procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that the undersigned verily believes the same to be true.

Attorney for Petitioner:

Name: Matthew Kaplan
Address: 1011 S. Milwaukee Ave #12
City: Libertyville State: IL Zip Code: 60048
Phone: 847-918-7071 Fax: 847-918-0974
ARDC: 03124534

PART D. FIREARMS (Respondent must be present in court or have had actual notice of these proceedings before a turnover of firearms can be ordered.)

- ☒ 1. (R14.5) That the Respondent be ordered to turn over any and all firearms in his/her possession to a law enforcement agency because:

Respondent

- ☒ has used or threatened to use firearms against me, and/or
☐ is likely to use firearms illegally against me.

Further, Respondent

- ☒ possesses a firearm.
☒ has a history of violence.
☒ has a history of possession/use of firearms.
☒ carries a firearm on his/her person in a vehicle.
(Make and model of vehicle: 2004 Mercedes C320 sedan silver)
☐ may be a threat to the safety of the public or police officer when encountered.
☐ is, or has been known to be, suicidal.

- ☒ 2. The Respondent has the following firearms (describe each):

Description	Location
9 mm	

PART E. ECONOMIC REMEDIES (Economic remedies are not available at the Emergency hearing.)

- ☐ 1. (R12) That the Court order payment of support.
☐ a. Petitioner requests that Respondent be ordered to pay temporary child support.
☐ b. Petitioner requests that Respondent be ordered to pay temporary support to the Petitioner.
☐ c. Respondent is ☐ unemployed ☐ employed by:

_____ at _____
(Employer) (Street Address) (City/State)
and has an approximate take-home pay of \$ _____ ☐ weekly ☐ bi-weekly
☐ _____ of the month ☐ monthly.

- ☐ 2. (R13) That Respondent be ordered to pay Petitioner for losses suffered as a direct result of abuse, neglect, or exploitation, including:
- | | | |
|---|----------|------------|
| <input type="checkbox"/> Medical expenses | \$ _____ | (if known) |
| <input type="checkbox"/> Lost earnings | \$ _____ | (if known) |
| <input type="checkbox"/> Repair/replacement of property damaged or taken | \$ _____ | (if known) |
| <input type="checkbox"/> Reasonable attorneys' fees | \$ _____ | (if known) |
| <input type="checkbox"/> Moving and other travel expenses | \$ _____ | (if known) |
| <input type="checkbox"/> Reasonable expenses for housing other than a domestic violence shelter/meals | \$ _____ | (if known) |
| <input type="checkbox"/> Expenses for search and recovery of children | \$ _____ | (if known) |
| <input type="checkbox"/> Other | \$ _____ | (if known) |
- If you desire payment for any of the above, please bring documentation (receipts, etc.) to the hearing.

- ☐ 3. (R16) That Respondent be ordered to reimburse a shelter providing temporary housing or counseling to Petitioner.

- ☒ 4. **(R07) (Visitation)** That the Court provide for visitation as follows:
- ☒ a. ☐ Deny/ ☐ Restrict visitation because the Respondent has or is likely to:
- ☐ Abuse or endanger the minor child(ren) during visitation.
 - ☐ Use visitation as an opportunity to abuse or harass Petitioner, Petitioner's family, or household members.
 - ☐ Improperly conceal or detain the minor child(ren).
 - ☐ Act in a manner that is not in the best interest of the minor child(ren).
- ☐ b. Reserve visitation until further hearing.
- ☐ c. Allow the Respondent to have visitation with the minor child(ren):
- ☐ Every _____ from _____ am/pm to _____ am/pm.
 - ☐ Each weekend from _____ am/pm to _____ am/pm.
 - ☐ Every other weekend from _____ am/pm to _____ am/pm.
 - ☐ Other: _____
 - ☐ Holidays: _____ from _____ am/pm to _____ am/pm.
- ☐ d. Due to the necessity of protecting Petitioner from further abuse, that Respondent be prohibited from going to Petitioner's residence to meet the minor child(ren) for visitation.
- ☐ e. That the Respondent be ordered to pick up and return the child(ren) for visitation at:
- _____
(Street Address / City / State)
- ☐ f. That visitation take place at _____
(Street Address / City / State)
- and that transportation be provided by _____
- ☐ g. That visitation be supervised by _____ who has filed or will file an affidavit accepting responsibility and acknowledging accountability to the Court.
- ☐ h. Further, that the court order the Respondent to return the child(ren) to Petitioner or Petitioner's designated person immediately at the end of visitation.
- ☐ i. That the Respondent be allowed visitation that the Court finds to be in the best interests of the child(ren).
- ☒ 5. **(R08)** That the Respondent be ordered not to conceal the minor child(ren) within the State or remove the child(ren) from the State of Illinois.
- ☐ 6. **(R09)** That the Respondent be ordered to appear in Court
- ☐ Alone ☐ With the minor children
 - ☐ To prevent abuse, neglect, removal or concealment of the child,
 - ☐ To return the child to the custody or care of the Petitioner, or
 - ☐ To permit a court-ordered interview or examination of the child or Respondent.
- ☒ 7. **(R15)** That Respondent be denied access to and be prohibited from inspecting, obtaining, or attempting to inspect or obtain school or any other records of the minor child(ren) in the care of the Petitioner because:
- ☒ Petitioner is requesting that the Order of Protection prohibit Respondent from having contact with the minor child(ren); or
 - ☐ Petitioner's actual address is omitted due to the risk of further abuse, or
 - ☒ It is necessary to prevent abuse or wrongful removal or concealment of the minor child(ren).

PART C. REMEDIES INVOLVING CHILDREN

List the full name, age, and the state of residence of all children **not listed on page 1 of this petition** whose custody and or visitation may be affected by the issuance of an order of protection against the respondent. Any prior Orders of Protection, Custody or Guardianship proceedings affecting the child should be listed in the Background Information (page 2 of 11) of this petition.

Full Name	Age	State of Residence	Relationship to Petitioner
[REDACTED]	5	[REDACTED]	daughter
[REDACTED]	5	[REDACTED]	daughter

- ☒ 1. That the primary caretaker of the minor child(ren) is: ☒ Petitioner ☐ Respondent
☐ Other Person: _____
(Name and Address)

- ☒ 2. (R05) That Petitioner be granted the physical care and possession of the minor child(ren) of the parties, and that:

- ☐ a. Respondent be ordered to return the minor children to the physical care of:
☐ Petitioner
☐ Other: _____
(Name and Address)

on _____ at _____ am/pm in the presence of _____

- ☒ b. Respondent be ordered not to remove the minor child(ren) from the physical care of the Petitioner, school/school grounds, or babysitter/daycare provider

- ☒ c. Within 24 hours of the issuance of the Order, the Circuit Clerk is directed to send written notice of the Order to any protected child's day-care or school, specifically to the following:

[REDACTED]

(Provide child's name, then Name and Address for each child's school/day care)

- ☐ 3. (R06) That the court award Petitioner temporary custody of the minor child(ren) of the parties. (Please note, temporary custody is not available as a remedy in an emergency order of protection).

- ☐ a. The children were born prior to or during the course of the marriage between the parties.
☐ b. The parties are unmarried; the children are children in common of the parties; and there ☐ has / ☐ has not been a legal determination of parentage.

- ☐ c. If neither of the above applies, please explain here: _____

PART B. REMEDIES INVOLVING PROPERTY (These remedies do not affect title to property (750 ILCS 60/214(b)(2)).

- ☒ 1. (R02) That the Petitioner be granted exclusive possession of, and Respondent be prohibited from entering or remaining present at the residence/household located at:

(Street) _____ (City) _____ (State) _____ (Zip Code) _____

(Check one)

- ☐ Petitioner has a right to occupancy and Respondent has no such right, or
☒ Petitioner and Respondent both have right to occupancy, but the balance of hardships favors Petitioner's occupancy over Respondent's.

- ☒ 2. (R10) That with respect to personal property possession should be awarded as follows:

☒ a. Petitioner be granted the following personal property: 2012 Kia Sorento

- ☐ b. That the Respondent be ordered to promptly make available to the Petitioner the following property over which the Respondent has possession or control:

(Check as applies)

- ☐ The Petitioner, but not Respondent, owns the property, or
☐ The property is jointly owned by the parties, and sharing it would risk abuse or is impracticable and the balance of hardships favors temporary possession by Petitioner, and/or
☐ Petitioner claims property as marital property, and a proceeding has been filed under the Illinois Marriage and Dissolution of Marriage Act ("IMDMA")

☒ That Respondent be given his/her ☐ clothing ☒ personal adornments ☒ medicine

☒ other personal property, namely 2004 Mercedes C-320

- ☒ 3. (R10) That personal property be transferred:

☐ at the residence, or

☐ at _____ (Street) _____ (City) _____ (State) _____ (Zip Code) _____

That the transfer of personal property take place in the presence of:

☒ law enforcement, or ☐ an agreed-upon third party, namely _____

☐ Respondent ☐ Petitioner have the right to enter the residence to retrieve the property but only in the presence of law enforcement or the designated third party.

Time and date of transfer: _____

- ☒ 4. (R11) That Respondent be prohibited from taking, transferring, encumbering, concealing, damaging, or otherwise disposing of the following real and/or personal property:

any personal and marital documents (school related to kids, tax returns, car picture discs)

(Check as applies)

- ☐ Petitioner, but not Respondent, owns the property, or
☐ The Parties own the property jointly, and the balance of hardships favors granting this remedy, and/or
☐ Petitioner claims property as marital property and a proceeding has been filed under the IMDMA

- ☒ 5. (R11) That Respondent be prohibited from using financial or other resources of an aged member of the family or household for the profit or advantage of Respondent or any other person.

REMEDIES SECTION

(750 ILCS 60/214)

PURSUANT TO THE ILLINOIS DOMESTIC VIOLENCE ACT ("THE ACT"), THE PETITIONER SEEKS THE FOLLOWING REMEDIES:

PART A: REMEDIES INVOLVING PERSONAL PROTECTION

☒ 1. **(R01)** With respect to all protected persons, that the Respondent be prohibited from committing the following acts of abuse or threats of abuse (check all that apply):

- ☒ Harassment, interference with personal liberty, physical abuse, or stalking.
- ☒ Intimidation of a dependent.
- ☒ Willful deprivation.
- ☒ Neglect.
- ☐ Exploitation.

☒ 2. **(R03)** That Respondent be ordered to stay away from Petitioner and other protected person(s).

☒ a. That the Respondent be ordered to stay 500 ft. away from Petitioner and other protected person(s).

☒ b. That the Respondent is ordered to stay 500 ft. away from the residence of Petitioner and/or other protected person(s), currently located at [REDACTED]

☒ c. That Respondent be ordered not to communicate in any way - directly, indirectly, or through third parties - with Petitioner and/or other protected persons, including, but not limited to phone, written notes, mail, email, or fax.

☒ d. That Respondent be prohibited from entering or remaining while Petitioner and/or protected person(s) is/are present at:

☒ Their place of residence, currently located at [REDACTED]

☒ Their place(s) of employment, located at [REDACTED]

☒ Their day care / school(s), located [REDACTED]

☒ Any of the following specified places, when Petitioner and/or protected person(s) is/are present: [REDACTED]

☐ 3. **(R14)** That Respondent be prohibited from entering or remaining in the residence or household while under the influence of drugs or alcohol and constituting a threat to the safety or well-being of Petitioner or Petitioner's children.

July-06	Phone call to Aunt, harrassment	Brian called my [REDACTED] ranting about how he thought my mother was a "miserable excuse for a grandmother" and is "useless". My aunt tried to explain that my mother a) has RA and is not in good health and b) has her hands full with trying to run our business while I took maternity leave. He was unreasonable.
June-06	Verbal attack of my mother	Our girls were only one month old. We were living in my parent's vacant apartment in their two-flat (free of charge) during the renovation of our home. Brian was not happy with the fact that my mother would occasionally watch my second cousins to help my Aunt who is their guardian. Our twins were born and instead of having an intelligent conversation with my parents asking for more help, he shouted, yelled, demanded, and called her names like bitch and cunt. She was very upset, and his physical stance became aggressive. He started at my mother, and she threatened to call the police.

March-08	Lack of help	I'm able to find a full-time job I can do from home so I don't have to leave the girls. Brian won't allow me to hire a sitter even though my salary matched his. I juggled the twins and ran a successful business from my home with little help from him, working around the clock.
January-08	Unreasonable behavior	It has been very difficult living in our rehabbed home with the girls and the dog. Brian is hyper vigilant over every surface- floors, walls, stating he doesn't want anything "dinged up or damaged". When a "ding" occurs, he obsesses over it for days, and verbal abuse ensues. It's not easy to keep it pristine with twin babies, a dog, and if company comes over, the stress is almost too much to bear.
September-07	Controlling Behavior	Brian states he doesn't approve of me going to family get-togethers stating my family is 'goofy'. When I do disobey him and go any way, he verbally abuses me, calling me a "stupid bitch" and saying telling me I'm just as "goofy" as they are and he deserves much better than me. This has gone on for the duration of our marriage. I'm not allowed to participate in group family activities, and if I want to, then I have to endure verbal attacks and also provide him with a day where I duplicate the activity with just him and our girls. For instance- apple picking was always a group family tradition of ours. If I wanted to participate, I could only go if I did an isolated apple picking event for Brian and the girls the following weekend.
12/26/06	Fight with Brother	We attended Brian's father's annual Christmas party. Brian engaged his brother in a fight and they "took it outside". I packed up the girls to go home before it escalated further.
12/25/06	Controlling Behavior	I was not allowed to attend my mother's Christmas Party because Brian was so angry with my mother and family. The party was just downstairs. I had to sit in the apartment all night with the girls. My mother brought us some food. I knew if I went he would verbally abuse me and yell- I just wanted things peaceful for the girls- so I submitted.
September-06	Productivity Management	I'm home with twin preemies and Brian didn't think I was accomplishing enough with my days. He would come home and ask- "exactly what did you do today? If he wasn't happy with my productivity I would be subject to hours of ranting about how useless I am and what a horrible mother I am. I was then told to provide him an account of my daily activities." So I would log my activities hour per hour all day long.

Oct-10	Ignoring Behavior	Brian forgot our 5th anniversary
Sep-10	Ignoring Behavior	Brian ignored my birthday even though others were celebrating it. He was upset my family came to wish me well.
August-10	Ingoring behavior	When Brian isn't trying to control me, he has been completely ignoring me and the girls- not acknowledging our arrival home or presence in a room. He is also refusing to participate in outings with us, but he is upset when we do things with out him as well.
July-10	Controlling behavior	I lost weight- roughly 40 lbs., and continued to do so. Brian was upset I bought clothing, although a necessity- my clothes were falling off. He would continually express he doesn't like my job because I have to sometimes work with men. (previously I worked in a all women's fitness center, and prior, a tech consulting firm). He would look through my clothes and look at me before I left for meetings to make sure I wasn't dressed "like a slut". I work in a professional conservative environment. When I leave for meetings, he wants to know where im going to be and what I'm doing. He searches my work bags, computers and purse- I've caught him several times. It seems like my weight loss has made him insecure and suspicious.
June-10	Verbal attack of my father	We recently moved to the house in Highland Park despite Brian's residency requirment with the Chicago Police Department. My father came over unannounced. Brian was Irrate and screamed at my father to "never do that again. You are ignorant and stupid." His physical stance was very agressive and it scared us all, including the girls.
March-10	Astrangement from family	Brian has a difficult time getting along with his family, getting in mutiple arguments with his father, step mother and sisters. He writes them off as "useless" and does not want to have contact with his family any longer.
December-09	Family difficulties	I'm finding it difficult to be in the middle - between Brian who is having trouble getting along with family. Im trying to keep the family together for the girls, but it's difficult. I am actring as the "go between" to attempt to keep peace.
July-08	Pet abuse	Brian has become abusive to my dogs. It caused numerous arguments. I would hear yelping coming from the basement, yard...etc. I asked my mother to take them to live at her house explaining the situation. She agrees.

10/6/2011	Physical and verbal abuse	Brian was drinking and upset I was invited to a family get together. He started calling my family "goofy" and that "we have better things to do than to go to every dumb event they have." I told him he doesn't have to go, but that I would like to go and take the girls. He persisted in telling me insults about my family: "the men are weak and they are freaks." I told him that after the loss my family experienced this last year, I'm not missing any more family get togethers or opportunities to see them. I explained people are aging and dying and I don't want to regret not seeing them. He told me I shouldn't waste my time, and I told him he doesn't get to make this decision- this is my relationship with my family, and I intend to have one, along with the girls. I've made up my mind. A physical attack ensued. He slapped me in the face in front of our daughter [REDACTED]. As I tried to run, he grabbed me by the neck and slammed me against a stone wall choking me and lifting me. He wouldn't let me leave. I went for the phone, he grabbed it out of my hand and threw it. He then attempted to wake [REDACTED] and put both [REDACTED] and [REDACTED] in the car. I told him in the biggest voice I could- the minute you leave- I'll go to the neighbor's. I'll call the police, and you will go to jail. I took both girls from him and the girls and I slept in the downstairs bedroom, locked. He proceeded to sit outside the door and verbally abuse me all night. "you think your so tough you dumb bitch- just wait- i'll get you. This is when I began to look for an attorney.
5/4-5/2011	Ongoing verbal abuse	I was preparing for the girls' 5th birthday party. He didn't want to help, which I was fine with, but he didn't want me moving around, cleaning, making noise, or doing anything which would disturb his quiet. He proceeded to yell and curse- about why am I having all these people over- people that he "doesn't like anyway, and are useless." he called me names like stupid goofy broad, and dumb bitch.
1/11/2011	Search of personal items	I found Brian searching my personal items including clothing books and computers- this is ongoing....and constant.
1/9/2011	Excessive drinking, verbal abuse	Brian drank 2 bottles of wine. Started to get very scary- yelling, ranting, name calling. I just diffused as best I could as to not escalate the situation. This time it worked and he passed out.
Jan-11	I receive a call from Brian's counselor	Brian was referred to a counselor that specializes in men with violent tendencies and rage issues, [REDACTED] LCSW. [REDACTED] calls me after their session. He states he's concerned for my safety. We have a conversation which I care to keep private at this point.

12/25/2010	Excessive Drinking	Brian drank to excess and passed out within an hour and a half of our Christmas guests arriving, before dinner. We had 16 guests for dinner and gifts. We hosted because my mother broke her back and needed surgery.
12/19/2010	Physical and verbal attack	I refused sex. Brian grabbed me, left bruises, dragged me through the house, down stone stairs, removed my pants and underwear and tried to sodomize me and when I fought back tried to drag me outside of the house naked from the waist down in the cold. I fought him off and left the house- I came back after 30 minutes for the girls hoping he was cooled down. I was afraid he would kill me.
12/19/2010	Verbally attacked my parents	As I was gone, he then called my parents and told them I was a whore and what a horrible job they did raising me.
Dec-10	Counseling sought	Individual and family counseling was sought with [REDACTED] Brian was referred to a psychiatrist [REDACTED] Brian was prescribed [REDACTED]
Nov-10	Excessive drinking, verbal abuse, physical abuse	Brian drank to the point of intoxication, then attempted to drive with a full glass of bourbon, and was threatening to go to one of my local client's house and beat him up because he was convinced I was having an affair. I tried to stop him and he pushed me against the stone garage wall and closed doors on me. He was very drunk. I was terrified he would kill someone. I tried to call the police, but he came at me, grabbed the phone, and pushed me down. He stated don't call the police- I'll lose my job. I called my parents instead.
Nov-10	Verbal and Physical attack	I'm interrogated for days and nights while Brian is trying to decide if I'm having an affair or not. He deprives me of sleep, won't allow me peace to work (I have a home office) and meanwhile the girls are being subjected to seeing and hearing rantings- their father calling me a "dirty lousy whore". He threatened to call my boss and tell him I'm "fucking all of my clients" to get me fired.
Nov-10	Verbal and Physical attack	Brian searched my personal items and found some items he didn't approve of. He convinced himself I was having an affair and proceeded to search all of my personal effects including computers, phones, etc. He broke certain electronics- ipod, phone. He stated he's going to "call all of my clients and find out who I'm fucking." He also stated I'm not allowed to text or look at my blackberry too much- which is a work tool.

12/31/2011	Verbal and emotional abuse	I awoke, fed the girls and got them ready for the day. I had a deadline for work: expenses had to be submitted and in the mail by 12/31. I get little household help from him, and he doesn't help for the holidays- so I was late with my paperwork. From 9am-3pm he badgered me with insults and name calling as I tried to make my deadline, because I took a shower and brushed my teeth before I completed my paperwork. The girls endured this all day and would ask "why is dad so mean?" We were not allowed to go to my mother's to celebrate the new year with my family.
12/28/2011	Verbal and emotional abuse	Movie outing with girls- he yelled at me from the moment we were entering the car until he made me cry, and he still wouldn't stop. I told him- I'm not going to a movie like this. Lets just go home. He was in a rage, and was driving erratically. He took us home, then attempted to push me out of the car so "he could take the girls himself". Because of his behavior and driving I was concerned for their safety and I wouldn't leave the open car, I resisted. The girls were screaming and crying, scared. I told him it just wasn't happening- he's not going to be alone with the girls when he's like this. He said he'd promise to stop so we could all go together. He did. We went to see the muppets.
12/9/2011	Verbal abuse of myself, emotional and verbal abuse of girls	I was in Philadelphia on business. Brian started texting me messages while I was in meetings- "we need to talk asap". Knowing his temper, I left my meeting and called right away. He had been going through my accounts and personal items- he found I stayed in a hotel 10/7, the day after the incident that left marks on my body (please see pictures). He accused me of cheating, called me a dirty lousy whore, cunt, and dumb bitch. He told me the babysitter arrived, and he wasn't letting her in. At the same time, Brian discovered [REDACTED] left a glove on the school bus (one of his pet peeves) and began screaming at her about how stupid she was to do such a thing. His reaction was alarming. He left the babysitter to stand in the cold for 20 minutes. She would not leave because she could hear the girls screaming and crying. When Brian finally let the sitter in, the girls were still crying and screaming - [REDACTED] locked herself in the bathroom linen closet to hide and [REDACTED] was laying on the floor looking under the door trying to get to her sister. When I returned the sitter told me of the entire account, so did the girls.

[REDACTED] VS. BERNATH

CHRONOLOGY OF ABUSE ADDENDUM TO PAGE 3, PETITION FOR ORDER
OF PROTECTION

Newest

Date	Event	Description
1/13/2012	[REDACTED]'s statement to sitter	[REDACTED] told our babysitter that she tries to stay up at night in case daddy fights with mommy. [REDACTED] also said she feels like she needs to protect me and [REDACTED] her twin sister. She told the sitter she tried to get in between mom and dad so dad doesn't hurt mommy.
1/12/2012	Physical and verbal attack of myself, verbal attack of child	Midnight to 3am-This night I didn't agree to sex, cyst makes it painful during my period. After I went to sleep, Brian woke me and a verbal attack ensued. He called me the names bitch, whore, cunt. He ranted about how he deserves better; I'm a miserable excuse for a wife; I'm useless; and he deserves someone better who can give him a son. He complained I don't show him intimacy. [REDACTED] our daughter woke up and tried to "make him stop being mean". She was also looking to me for protection. I was trying to guard her, and tried to move to a different bedroom downstairs to get away- he followed me all over the house and would not stop. As I was going down the stairwell he grabbed me by my hair and pulled me back. I was able to get [REDACTED] to the other bedroom, but then he walked quickly towards her- he following her in yelling at her "why are you going with her [mom]? Why don't you come with me?" [REDACTED] was too afraid to leave the room to go to the bathroom. I shielded her while she ran. I asked him to leave- to go to our other house- now empty. I asked him to get counseling- he mocked the notion. I told him I'm not making him happy so please- find happiness elsewhere. He told me he would never let me go anywhere- he told me if I tried to leave - he would get a false felonious police report on me. He told me he'll take the girls from me and I'll never see them again. He told me he would get me fired and ruin my "nice little [REDACTED] life" I worked so hard for. I thought I was able to catch the event on our nanny cam, but when I went to recover the files, the 12th and 13th were missing, which were his most aggressive days.
1/6/2012	Verbal and emotional abuse	Brian was upset due to my lack of initiating intimacy. I was yelled at for 2 and a half hours starting around midnight- he called me names- bitch whore cunt, insults- fat and ugly and "you think you're so smart". He told me he expects sex on his days off. He stated the national average is two days a week and thats what he expects to get.